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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/696,934
		Filing Date	October 30, 2003
		First Named Inventor	Shao et al
		Art Unit	3683
		Examiner Name	Devon C. Kramer
Total Number of Pages in This Submission		Attorney Docket Number	2448-000011

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name W. R. Duke Taylor	Reg. No. 31,306
Signature			
Date	January 10, 2005		

## CERTIFICATE OF TRANSMISSION/MAILING

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Signature		Date	January 10, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV 570 163 199 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/696,934

Filing Date: October 30, 2003

Applicant: Shao et al

Group Art Unit: 3683

Examiner: Devon C. Kramer

Title: Friction Material Configuration And Method  
Of Manufacture For Brake Applications

Attorney Docket: 2448-000011

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Restriction Requirement dated December 9, 2004, please consider the following.

The Examiner requests a restriction requirement to elect a single disclosed species under 35 U.S.C. §121. The Examiner alleges that there are eight different species.

Under the statute, an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct. (See MPEP 803)

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

A serious burden on the Examiner may be *prima facie* shown if the Examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP 808.02.

Here, the Examiner has failed to show such a *prima facie* case. The Examiner has failed to show that the alleged species are separately classified, have a separate status in the art, or a different field of search is required. Accordingly, the Examiner should examine all of the alleged species.

Species 1 through 8 read on Claims 1 through 9 and 11 through 28. Species 2 reads on all claims. Accordingly, Applicants believe the Examiner will find all species in his search and that a restriction requirement is unnecessary. Also, Applicants believe Claims 1 through 9 and 11 through 28 to be generic to all species, thus, Applicants believe a restriction to be unnecessary. The invention relates to a brake which includes one friction element formed from a first friction material and at least one discrete second friction element formed from a second friction material. This is shown in all of the species.

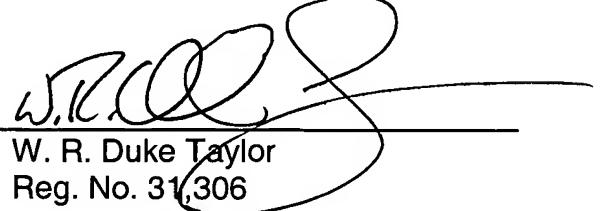
Accordingly, Applicants respectfully request reconsideration.

In the event that the Examiner disagrees with Applicants, Applicants respectfully request the prosecution of Species 1, Figures 1 through 3, which read on Claims 1 through 9 and 11 through 28.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 10, 2005

By:   
W. R. Duke Taylor  
Reg. No. 31,306

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